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LETTER DATED 13 JULY 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 12 July 1992 from Mr. Ahmad Hussein, Minister for Foreign Affairs of the Republic of Iraq, concerning the Iraq-Kuwait Boundary Demarcation Commission.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

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Annex

Letter dated 12 July 1992 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I have the honour to inform you that we have been notified that the Boundary Demarcation Commission has decided to hold its sixth session at New York between 15 and 24 July 1992.

On this occasion, I should like to refer to the letter that I addressed to you on 21 May 1992 concerning the decisions adopted on 14 April 1992, at its fifth session, by the Commission you appointed on the matter of the boundary (S/24044, annex). In that letter, I set forth in detail the viewpoint of the Government of Iraq on this grave matter in view of its vital importance to the interests of Iraq and of other regions of the world that experience international disputes regarding boundaries. In that letter, I elucidated how the Security Council had, in an unprecedented manner, intruded the issue of the boundary between Iraq and Kuwait into its resolution 687 (1991) by imposing on it a particular status, while it is universally accepted in law and in practice as they relate to international intercourse that boundary issues are left to agreement between States because this is the only basis capable of ensuring the principle of boundary stability. I also explained how certain very vital aspects of the arrangements that had been made by the Secretary-General of the United Nations to achieve the objective enjoined by the Security Council with regard to so-called boundary demarcation did not ensure justice and fairness by striking a balance between the positions of the two parties and maintaining their equality. Those aspects included the way the Demarcation Commission was formed, the manner in which it undertook its technical work, the manner in which it took decisions, the nature and purport of those decisions and other important matters.

As you know, in my letter I addressed in detail one example of the manner in which the Commission reached a major decision on a matter of substance concerning the general course of the boundary line on the basis of a cartographic viewpoint that relied fundamentally on British correspondence and maps going back to the period when Britain was the colonial Power dominating the region. In this connection, I stated also how the Commission had adopted this approach as a general one and that, instead of exercising patience in reaching decisions and awaiting the presentation of the documents and notes referred to by the representative of Iraq, it prevented that from taking place by adopting substantive and technical decisions with notable haste and dispatch under the influence of evident pressure from the representative of the regime of Kuwait. The decisions were the outcome of answers to leading questions addressed to the two experts which led to proposals merely for the answer elicited without regard for the proper logic of the rules of procedure and the interrelated character of the substance of the issues addressed. The Commission thus ended up adopting decisions that were one-sided in respect of source and content.

As you know, I called attention to the fact that the Commission had accorded the representative of the regime of Kuwait the opportunity to raise the question of the demarcation of the maritime boundary in the Khor Abdullah despite the fact that the Commission's mandate did not extend to that matter, in the view of the two independent experts as supported by the Chairman of the Commission, in an obvious endeavour to secure the desires of the rulers of Kuwait at the expense of the historic rights of Iraq and its vital navigational interests.

I also made it clear to you that the actual reality of the work of the Commission in the field is unequivocal testimony to the fact that a fundamental decision of the Commission was implemented in a manner incompatible with its own tenor by the representative of the regime of Kuwait and his experts participating in the work on the ground and that the work of the Commission has not been safe from direct intervention by the Secretariat. Thus, the final outcome of all this activity is the essential fact that the matter of dealing with boundaries was justified and set in motion in accordance with a predetermined course so as to culminate in decisions imposed on Iraq without any regard for its interests and all the evidence that supports them and leaving no scope for justice and fairness to Iraq's territorial interests.

We still believe, as I indicated in my letter, that the outcome of the Commission's work is a purely political decision imposed by the Powers that today control the Security Council and the United Nations, in particular the Governments of the United States and the United Kingdom. The political objective of this decision is clear, and it is not only to deprive Iraq of its rights and damage its vital interests but also deliberately to create a situation of instability in the region in order to justify the continued presence of American and British armed forces and military bases so that they may continue to blackmail the existing regimes and to plunder oil resources.

After prolonged study of all the factors and circumstances, it is clear to us that the views of Iraq will not be heard in the Commission and that it will not provide an opportunity for a hearing regardless of any efforts we make to create an objective and impartial atmosphere for its work. This is because a prior and biased decision has been taken to harm Iraq's interests and deny its historic rights on the part of those countries that planned the Commission's work. Among the most salient facts that confirm this conclusion is that the Security Council was informed of the letter which we addressed to you and, instead of its tenor providing an incentive to careful consideration and fair investigation, the countries to which we have referred resorted to inducing the Council to adopt a statement by its President which contained only interpretations lacking in objectivity and threats.

For the reasons set forth above, we feel that our participation in the meeting of the Commission would be to no avail.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs
of the Republic of Iraq